

**TWENTY-THIRD DAY - FEBRUARY 10, 2004**

**LEGISLATIVE JOURNAL**

**NINETY-EIGHTH LEGISLATURE  
SECOND SESSION**

**TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 10, 2004

**PRAYER**

The prayer was offered by Pastor Bob Larson, St. Paul's Lutheran Churches, Elim and Hooper.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Hudkins who was excused; and Senators Foley, Jensen, Landis, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 208 and 353.

ER9095

Enrollment and Review Change to LB 208

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "sections" in line 1 through line 9 has been struck and "sections 60-6,108 and 60-6,210, Reissue Revised Statutes of Nebraska, sections 28-306, 28-394, 29-3605, and 60-601, Revised Statutes Supplement, 2002, and sections 60-484, 60-498.01, 60-498.02, 60-4,144, 60-6,196, 60-6,197, 60-6,209, 60-6,211.04, 60-6,211.05, and 83-1,129, Revised Statutes Supplement, 2003; to change

and transfer provisions relating to driving under the influence and implied consent; to harmonize provisions; and to repeal the original sections." inserted.

2. On page 19, lines 17 and 18; page 20, line 8; and page 28, lines 20 and 25, "11 to 17" has been struck and "12 to 18" inserted.

3. On page 36, lines 5 and 6; and page 41, line 19, "12" has been struck and "13" inserted.

4. On page 42, line 8; and page 49, line 6, "11 and 12" has been struck and "12 and 13" inserted.

(Signed) Ray Mossey, Chairperson

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

(Signed) Pat Engel, Chairperson  
Legislative Council, Executive Board

### GENERAL FILE

**LEGISLATIVE BILL 139A.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1049.** The Loudon pending amendment, AM2291, found on page 507 and considered on page 581, was renewed.

Senator Schimek offered the following amendment to the Loudon pending amendment:

FA1457

(Amendments to AM2291)

- 1 1. On page 1, line 4, before "and" insert "1."
- 2 compensation related to military service in an international
- 3 conflict or national emergency."

Pending.

### NOTICE OF COMMITTEE HEARING

Judiciary  
Room 1113

Wednesday, February 25, 2004  
James Pearson - Board of Parole  
Kenneth J. Vampola - Board of Parole

1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 906.** Placed on Select File as amended.

E & R amendment to LB 906:

AM7173

- 1 1. In the Standing Committee amendments, AM2249, on page
- 2 24, line 17, after the comma insert "any person".
- 3 2. On page 1, line 2, strike "71-343" and insert
- 4 "71-344"; in line 8 strike "a penalty" and insert "penalties"; and
- 5 in line 9 strike "an operative date" and insert "operative dates".

**LEGISLATIVE BILL 969.** Placed on Select File as amended.

(E & R amendment, AM7171, is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 841.** Placed on Select File.

**LEGISLATIVE BILL 986.** Placed on Select File as amended.

E & R amendment to LB 986:

AM7172

- 1 1. On page 1, line 4, strike "and" and insert "to
- 2 provide an operative date;"; and in line 5 after "sections" insert
- 3 "; and to declare an emergency".

**LEGISLATIVE BILL 139A.** Placed on Select File.

(Signed) Ray Mossey, Chairperson

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 1049:

AM2553

- 1 1. On page 2, line 22, before the semicolon insert "
- 2 Leaving work voluntarily for the sole purpose of relocating in
- 3 order to allow a spouse to accept previously secured, permanent,
- 4 full-time work, which the spouse does accept, is good cause if the
- 5 spouse's work offers a reasonable expectation of betterment of
- 6 wages or working conditions".

Senator Beutler filed the following amendment to LB 1049:

AM2552

- 1 1. On page 2, line 7, strike "thirteen" and insert
- 2 "eleven".

Senator Beutler filed the following amendment to LB 1049:  
AM2554

- 1 1. On page 3, line 4, reinstate the stricken "not less
- 2 than seven weeks nor more than"; and in line 11 reinstate the
- 3 stricken matter.

Senator Byars filed the following amendment to LB 279:  
AM2547

(Amendments to E & R amendments, AM7162)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 60-311.03, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-311.03. (1) Any resident of this state may, in
- 5 addition to the application required by section 60-302, make
- 6 application to the Department of Motor Vehicles for a set of
- 7 license plates designed by the department to indicate that the
- 8 applicant for the plates is a survivor of the Japanese attack on
- 9 Pearl Harbor if he or she:
- 10 (a) Was a member of the United States Armed Forces on
- 11 December 7, 1941;
- 12 (b) Was on station on December 7, 1941, during the hours
- 13 of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island
- 14 of Oahu, or offshore at a distance not to exceed three miles; and
- 15 (c) Received an honorable discharge from the United
- 16 States Armed Forces; ~~and~~
- 17 ~~(d) Holds a current membership in a Nebraska Chapter of~~
- 18 ~~the Pearl Harbor Survivors Association.~~
- 19 (2) The plates shall be issued upon the applicant paying
- 20 the regular license fee and an additional fee of five dollars and
- 21 furnishing proof satisfactory to the department that the applicant
- 22 fulfills the requirements provided by subsection (1) of this
- 23 section. Only one motor vehicle owned by the applicant shall be so
- 1 licensed at any one time.
- 2 (3) If the license plates issued pursuant to this section
- 3 are lost, stolen, or mutilated, the recipient of the plates shall
- 4 be issued replacement plates upon request and without charge."
- 5 2. On page 13, line 25, after "Original" insert "section
- 6 60-311.03, Reissue Revised Statutes of Nebraska,".
- 7 3. Renumber the remaining sections accordingly.

Senator Schimek filed the following amendment to LB 1049:  
AM2558

- 1 1. On page 4, line 11, after the comma insert "whether
- 2 the employer provides health insurance coverage"; and in line 19
- 3 after the second comma insert "health insurance,".

### **WITHDRAW - Cointroducer**

Senator Vrtiska withdrew his name as cointroducer to LB 278.

**VISITORS**

Visitors to the Chamber were Romell Cooks from Kansas City; Reba Wright, Travis Moore, and Brian and Melissa Olson; and Keith and Jeanette Bottrell from Crete.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Schimek, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 2004.

Patrick J. O'Donnell  
Clerk of the Legislature

